

Statement of John Conyers, Jr.
House Committee on the Judiciary
U.S. House of Representatives
H.R. 3288, FANS Act
December 6, 2001

I want to thank Chairman Sensenbrenner for holding this very timely hearing on my legislation. The Committee is very busy, but I am glad we have been able to find the time to focus on this matter of economic justice.

I am here today to gently suggest, Mr. Selig, that baseball's antitrust exemption should be repealed. It may not happen this year or even this Congress, but one way or another, baseball's antitrust exemption – an historical anomaly which cannot be justified on any economic or legal grounds – will be eliminated. You may recall that Mr. Synar had a bill to repeal the entire exemption in 1994, and we have not forgotten that.

The blame for this repeal will not lie with the players, the fans, or the Congress. It will lie with Major League Baseball, which by its actions has tarnished our great national pastime and in effect, lost the right to its own exemption.

Baseball lost the right to its exemption when they treated Curt Flood like a piece of property, leading to a long and unnecessary legal fight and the ruin of a good man's career.

Baseball lost the right to its exemption when the owners colluded among themselves to reduce free agent salaries and were forced to pay a record 280 million dollars in damages.

Baseball lost the right to its exemption with their unacceptable record of minority hiring – no minority owners, and only a single minority general manager.

Baseball lost the right to its exemption when they unceremoniously dumped Faye Vincent as Commissioner, when he tried in vain to put the public interest ahead of the owners' private interest.

Baseball lost the right to its exemption by tolerating eight work stoppages in the last 30 years, more than every other professional sport combined, including, in 1994, the longest work stoppage in professional sports history.

And baseball lost the right to its exemption with its shoddy treatment of the Minnesota Twins and its fans. The Twins have done everything they could to place a competitive team on the field and live within their means in a small market. Yet less than two days after one of the greatest World Series in history, baseball issued a non-appealable death sentence to the city of Minneapolis and a slap in the face to their loyal fans.

Please don't tell me that repealing the exemption will do more harm than good by leading to more relocation. I might believe that if baseball hadn't permitted eleven relocations in modern times – including one by Mr. Selig – or if the case law wasn't clear that under the antitrust laws a sports league can impose reasonable restrictions on franchise movements. But those relocations have occurred, and the law on franchise movement is clear, so with all due respect, I can't buy into this bit of propaganda.

There is only one industry in the entire nation that is exempt from the antitrust laws without being subject to an alternative regulatory authority – Major League Baseball. It is time to end this injustice, and we can begin the process with today's hearing.